

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**EDWARD SANCHEZ,**

## **Plaintiff,**

- V -

9:12-CV-1646 (NAM/DJS)

**HAROLD GRAHAM, et al.,**

## Defendants.

## APPEARANCES:

Edward Sanchez  
326-49th Street, No. 2  
Brooklyn, New York 11220  
Plaintiff, *Pro Se*

Hon. Eric T. Schneiderman, Attorney General of the State of New York  
Adrienne J. Kerwin, Esq., Assistant New York State Attorney  
The Capitol  
Albany, New York 12224  
Attorney for Defendants

## **Hon. Norman A. Mordue, Senior U.S. District Judge:**

## **MEMORANDUM-DECISION AND ORDER**

In this *pro se* action under 42 U.S.C. § 1983, plaintiff, formerly an inmate in the custody of New York Department of Corrections and Community Supervision, asserts claims arising from his incarceration at Auburn Correctional Facility and Clinton Correctional Facility. Defendants move (Dkt. No. 40) for summary judgment dismissing the action. United States Magistrate Daniel J. Stewart has prepared a thorough Report and Recommendation (Dkt. No. 60) recommending that the summary judgment motion be granted in part and denied in part, and that all claims be dismissed except plaintiff's Eighth Amendment claims against defendants Nurse

Cornall and Nurse Coryer. No party has interposed an objection to the Report and Recommendation. The Court has reviewed the record and the Report and Recommendation and finds no clear error. Accordingly, the Court accepts the Report and Recommendation in its entirety.

It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 60) is accepted; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 40) is denied as to plaintiff's Eighth Amendment claims against defendants Nurse Cornall and Nurse Coryer, and is otherwise granted; and it is further

ORDERED that all claims against all other defendants are dismissed, and the Clerk is directed to terminate from the action all defendants except Nurse Cornall and Nurse Coryer; and it is further

ORDERED that the Clerk is directed to serve copies of this Memorandum-Decision and Order in accordance with the Local Rules of the Northern District of New York; and it is further

ORDERED that the case is deemed trial ready, and the Court will soon notify the parties of a trial date and a schedule for pretrial papers.

IT IS SO ORDERED.

Date: October 6, 2016  
Syracuse, New York

  
Norman A. Mordue  
Norman A. Mordue  
Senior U.S. District Judge